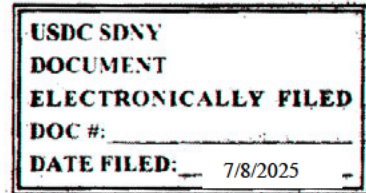


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ERIK M. UNDERWOOD,

Plaintiff,

25-CV-5007 (JPC)(SN)

-against-

ORDER

BANK OF AMERICA CORPORATION,

Defendant.
-----X

SARAH NETBURN, United States Magistrate Judge:

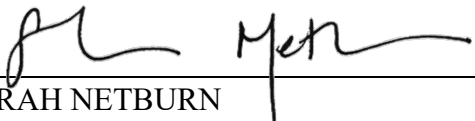
On June 13, 2025, Plaintiff filed an emergency verified complaint for declaratory judgment, constructive trust, injunctive relief, investor protection, and damages. ECF No. 1. The same day, Plaintiff also filed an *ex parte* emergency motion for declaratory judgment, constructive trust, injunctive relief, and investor protection. ECF No. 4. In light of the judgments issued on substantially similar claims in the United States District Court for the District of Colorado, which were affirmed on appeal to the Court of Appeals for the Tenth Circuit, it is not apparent that Plaintiff is entitled to the emergency relief he seeks or whether he may relitigate these claims in this forum. See Underwood v. Bank of Am. Corp., No. 18-cv-02329 (RM)(MEH), 2020 WL 616358 (D. Colo. Feb. 10, 2020), aff'd in part, vacated in part, remanded, 996 F.3d 1038 (10th Cir. 2021); Underwood v. Bank of Am. Corp., No. 18-cv-02329 (RM)(MEH), 2022 WL 3212929 (D. Colo. Aug. 9, 2022), aff'd, No. 22-1402, 2024 WL 1670592 (10th Cir. Apr. 18, 2024).

Accordingly, Plaintiff is ORDERED to serve Defendant with a copy of: (1) his emergency complaint, (2) his *ex parte* emergency motion, and (3) this Order. Plaintiff shall file

proof of service on the docket. Once Defendant appears, the Court will schedule a conference.

Defendant is not required to respond to the *ex parte* emergency motion until further order of the Court.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: July 8, 2025
New York, New York